

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

October 6, 2003

PRESENT: Tom Cowan, Chair
Mark Decker
Don Hoefler
Andy Kelkenberg
Rick Meahl
Terry Janicz
John Potera
Rebecca Baker, Zoning Officer
Christine Falkowski, Planning Board Clerk

The meeting was called to order by Tom Cowan at 7:35 PM.

AT&T Cell Tower @ Rapids

Maureen Elwell, Attorney, stated that they have a tow air report which shows the tower does not have to be lit at 199'. She also stated that Carl Klingenschmitt has asked AT&T to light the tower for Mercy Flight using a solid red beacon. The Board received a memorandum from the Newstead and Akron Fire Companies requesting space to be reserved on the tower to allow for a repeater station for emergency radio communications. At what height? If the tower is approved at 199' to be expandable, the foundation must be built larger and stronger at the outset. Also, the FAA mandates lighting and type of lighting at 200'+. We want this tower to be tall enough to accommodate co-locators in the effort to avoid another cell tower being built close to this one.

Tom motioned to recommend approval to the Town Board at 199', seconded by Don and all approved.

Minor Subdivision Application - 1 lot on Keller Road – Gordon Kelkenberg

Mr. Kelkenberg is splitting off a 200 x 649' building lot from this parcel. The number of splits has been checked and approved. The survey does not show elevations for drainage or the brine line easement, but Mr. Kelkenberg stated it is located near the road. We don't want this to be a problem for the next owner. It is OK to put a driveway over it, but one cannot build over it. Mark motioned to approve the subdivision, seconded by Andy and all approved.

Minor Subdivision Application – 1 lot on Moore Road – Shawn Fitzgerald

There are two structures on the property---a garage apartment and a house nearing building completion. As you cannot have two houses on the same parcel, Mr. Fitzgerald's options are to dismantle the apartment or split the lot so that each structure is on a separate lot. The number of splits has been checked and approved and it meets lot dimension requirements. The house is in the wetlands and flood zone, but the appropriate approval process was completed.

Questions: (1) What is the distance between the house and the garage? (2) Where is the house on the survey (only garage shows)? (3) Where is the septic system located for both dwellings? This item will be tabled until the next meeting.

Minor Subdivision Application – 2 lots on McNeeley Road – Millard Young

Mr. Young is splitting off two one-acre lots, located side by side in the southwest corner of this 45-acre parcel. Since the parcel also fronts on Hunts Corners, it was suggested he may want to split it in half in order to keep the five year split rule on McNeeley separate from Hunts. Mr. Young stated that the existing house (#12270) will be deeded off, and he wishes to build another. He will be meeting tomorrow with the Building Inspector and the Highway Superintendent to discuss drainage for this parcel. He states that Mrs. Jozwiak, directly across the road at 12261 McNeeley, has moved a culvert that drops water into his ditch, which needs cleaning. Terry motioned to approve the subdivision, seconded by Don and all approved.

Minutes Review – Tom stated that he is waiting for lateral restriction guidelines from Nathan (relative to public water service for new subdivisions). Tom motioned to approve the minutes from September 15th, seconded by Mark and all approved.

Zoning Report

Relative to junk cars, Becky stated that only two properties are not cleaned up yet. Terry asked her to check out a "shops for rent" sign on Smith's property.

OLD BUSINESS

Northern Whitetail Scents

The owners and their engineer met with the Town Board on September 29th to address Wendel's memorandum of issues; awaiting outcome.

Change in Use (storage building/fellowship hall) – Main Road – John Smith

Awaiting approved septic system, revised site plan showing 50 dedicated parking spots for the hall, and copy of the lease agreement between Faith Fellowship and John Smith.

Drainage Relative to Subdivisions

Approving drainage one lot at a time is no longer adequate. Christine distributed a letter from Mr. Buckley at 6289 Utley Road who has standing water on his lot, which he is unable to make flow to the street. He believes it will soon impede his septic system. He is asking for assistance/suggestions from the Town, including a variance on the culvert depth at the road.

Some suggestions follow:

- ◆ Some towns give out lot grading details
- ◆ Perhaps at the building permit stage, we can give out letters stating that the town has drainage problems due to creeks, culverts and ditches not working properly combined with the increased number of new homes that contribute damming of the natural drainage.
- ◆ Don suggested writing letters similar to the one Don Folger sent to Mr. Hull last year on Utley Road.
- ◆ Becky suggested the Board consult the topographical map
- ◆ Andy stated that Clarence is lower than Newstead, yet their ditches are well maintained
- ◆ Establishment of the Town Wide Drainage District will ease this situation in the future

Subdivision/Flaglot Ordinance

- ◆ Memo from Zoning Board regarding Tom Haberneck's request for a variance on a 29-acre flaglot on Barnum Road was reviewed. Driveway size, firetruck access, etc. must be considered. Tom will do a memo to the ZBA stating that we do not recommend approval based on the current ordinance, and that we will be addressing this in the future.
- ◆ Suggestion: Review each flaglot request individually via site plan review, using a checklist of requirements.

Overlay Zone

- ◆ The letters that Christine sent to the used auto dealers, Belotta (Glian) and Smith (Hauer) were reviewed. The special use permits will not be renewed January 1st unless they comply with the permit conditions. Also, Kevin Gaik currently has cars parked on stone, which is prohibited due to potential oil leaks seeping into the ground. He will be sent a letter reminding him to pave the area.
- ◆ Tom will consider the types of businesses on Route 5, and perhaps create three different zones, or regulate each by permit. He will prepare a memo to the Town Board requesting their input.

Special Event Permits

- ◆ John inquired about this since Kelly Schultz's Pumpkin Farm on Route 5 is extremely busy especially relative to traffic and safety.
- ◆ Include Route 5 in Overlay Zone?
- ◆ Endorse Clarence concept?

John motioned to adjourn the meeting at 9:30 PM, seconded by Terry and all approved.

Respectfully submitted by,
Christine Falkowski, Recording Secretary